



Object Statement:

The object of this petition is to enact a statute that makes penalties inapplicable under state and local law for the use, possession, and acquisition of limited quantities of cannabis for medical purposes by a qualified patient with a written recommendation from a health care practitioner; and for a caregiver to assist a qualified patient in these activities.

Proposed Text of Statutory Initiative Petition:

AN ACT relating to cannabis; to adopt the Nebraska Medical Cannabis Patient Protection Act.

Be it enacted by the People of the State of Nebraska:

Section 1. Sections 1 to 3 of this act shall be known and may be cited as the Nebraska Medical Cannabis Patient Protection Act.

Sec. 2. For purposes of the Nebraska Medical Cannabis Patient Protection Act:

(1)(a) Allowable amount of cannabis means up to five ounces of cannabis.

(b) Allowable amount of cannabis does not include the weight of any other ingredient combined with cannabis as part of topical or oral administrations, food, drink, or other preparations;

(2)(a) Cannabis means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(b) Cannabis includes marijuana, hashish, and concentrated cannabis.

(c) Cannabis does not include hemp, as defined in Section 2-503(13) of the Nebraska Hemp Farming Act, nor does it include the mature stalks of the plant, fiber produced from such stalks, oil or cake made from the seeds of the plant, the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration;

(3) Cannabis accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body;

(4) Caregiver means:

(a) In the case of a qualified patient who is eighteen years of age or older and is not under the protection of a legal guardian, a person who:

(i) Is at least twenty-one years of age; and

(ii) Has been designated by a qualified patient in a signed affidavit;

(b) In the case of a qualified patient who is younger than eighteen years of age or a qualified patient under the protection of a legal guardian:

(i) The legal guardian or parent with authority to make health care decisions of the qualified patient; or

(ii) A person designated in a sworn affidavit by the legal guardian or parent with authority to make health care decisions; or

(c) A health care facility as defined in section 71-413 or a home health agency as defined in section 71-417, if the facility or agency has been designated by a qualified

patient or the legal guardian or parent with authority to make health care decisions of a qualified patient in a sworn affidavit and if the facility or agency has agreed in writing to serve as a caregiver for the qualified patient;

(5) Health care practitioner means a physician, an osteopathic physician, a physician assistant, or a nurse practitioner licensed under the Uniform Credentialing Act or who is licensed in any state and practicing in compliance with the Uniform Credentialing Act;

(6) Qualified patient means:

(a) An individual eighteen years of age or older with a written recommendation from a health care practitioner; or

(b) An individual younger than eighteen years of age with a written recommendation from a health care practitioner and with the written permission of a legal guardian or parent with authority to make health care decisions for the individual; and

(7) Written recommendation means a valid signed and dated declaration from a health care practitioner stating that, in the health care practitioner's professional judgment, the potential benefits of cannabis outweigh the potential harms for the alleviation of a patient's medical condition, its symptoms, or side effects of the condition's treatment. A written recommendation is valid for two years after the date of issuance or for a period of time specified by the health care practitioner on the written recommendation.

Sec. 3. (1) Subject to the requirements of the Nebraska Medical Cannabis Patient Protection Act, it shall not be an offense under state or local law for:

(a) A qualified patient to use, possess, and acquire an allowable amount of cannabis and cannabis accessories for the alleviation of a medical condition, its symptoms, or side effects of the condition's treatment; or

(b) A caregiver to assist a qualified patient with the activities set forth in subdivision (1)(a) of this section by possessing and acquiring an allowable amount of cannabis and cannabis accessories on behalf of the qualified patient and delivering an allowable amount of cannabis and cannabis accessories to the qualified patient.

(2) Conduct protected by this section shall not be subject to the Uniform Controlled Substances Act.